



**BURLINGTON NORTHERN RAILROAD**

TITLE SERVICES

May 8, 1990

Mr. John W. Hempelmann  
Cairncross, Ragen & Hempelmann  
70th Floor, Columbia Center, 701 Fifth Avenue  
Seattle, Washington 98104-7014

RE: SALE TO ROBERT J. AND NANCY C. PHELPS

Dear Mr. Hempelmann:

Enclosed for your further handling are two executed copies of Burlington Northern Railroad Company's Quitclaim deed dated May 8, 1990, conveying 0.04 acres of property located at Quendall, Washington.

Please have your client accept both copies of the deed and return one copy to me for our records.

After recording, please provide me with a copy of the recorded deed using the attached self-addressed stamped envelope.

Thank you for your cooperation and the patience you have extended throughout this transaction.

Sincerely,

*D. P. Schneider*

D. P. Schneider  
Manager - Title Services

Enc.

File: BN 9796-QUENDALL, WA.

cc: L. L. Seyda - Property Management, Seattle, WA.

2100 First Interstate Center  
999 Third Avenue  
Seattle, WA 98104-4080  
206-467-3452

**PACIFIC DIVISION**

LEM	SPM
KDT	JFW
DLM	JDO
DAB	RNH
JWW	DCM
MAL	RPS
RRS	CJM
HLK	HJJ
DWG	JLN

MAY 30 1990

USEPA SF



1337726

Dale  
Yes. It was a situation where the property had been paved and used for many years w/o lease or permit. The Deed was issued to avoid an adverse possession law suit.

*Dale*

6/4/90

*Don't Use  
Was this approved by  
over here? - please  
tell R.*

*JDO 5/30*

*To file*

QTXCF 8.4.2.1  
6/4/1990

cc: L. L. Seyda - Property Management, Seattle, WA. - Please handle disposition of leases, if any. Deed copy attached.

J. H. Kenny - Property Tax, Seattle, WA. - Sale of 0.04 of land for total consideration of \$ 1,500.00. Deed copy and exhibit attached.

~~L. E. F. MUELLER~~ General Manager, Seattle, WA - Deed copy and exhibit attached.

D. A. BELL - Supt. M & E, Seattle, WA - Please handle disposition of any permits. Deed copy and exhibit attached.

D. C. STREY - Accounting, St. Paul, MN

Attached is AFE # 90-1866 for retirement from the accounts and credit to Property Management RESBU #07115. Copy of AFD, sale memoranda, land report and closing statement (if any) are attached.

CLOSING COSTS: NONE

Filed for Record at the Request of;  
After Recording, Return To:

THIS SPACE RESERVED FOR  
RECORDER'S USE:

John W. Hempelmann  
Cairncross, Ragen & Hempelmann, P.S.  
70th Floor, 701 Fifth Avenue  
Seattle, Washington 98104-7014

QUITCLAIM DEED

BURLINGTON NORTHERN RAILROAD COMPANY, a Delaware corporation, Grantor, for Ten and No/100ths Dollars (\$10.00) and other good and valuable consideration, conveys and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to (b) (6) and (b) (6) Grantees, all its right, title and interest, if any, in the real estate more particularly described on Exhibit "A" which is attached hereto and made a part hereof, situated in the County of King, State of Washington (the "premises"), together with all after acquired title of Grantor therein.

SUBJECT, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise.

The following is understood and agreed upon: All improvements and fixtures on the premises shall be conveyed "as is" without any warranty, express or implied, as to their physical condition.

EXCEPTING AND RESERVING, however, unto said Grantor, its successors and assigns, all of the coal, oil, gas, casinghead oil and all ores and minerals of every kind and nature underlying the surface of the premises herein conveyed, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the premises herein conveyed, together with the right of access at all times to exercise said rights.

If the premises are locally assessed, the Grantees, and for their heirs and assigns, by acceptance of this deed, agree to assume all locally assessed real estate taxes, outstanding and otherwise, and any and all past, present, pending and future assessments of every nature whatsoever, which have been or may be

Post-It™ brand fax transmittal memo 7671		# of pages • 4
To (Cass)	From (Hempelmann)	
Co.	Co.	
Dept.	Phone # 728-7214	

1 -

levied against the premises.

ALSO, the Grantees, and for their heirs and assigns, by acceptance of this deed, hereby release and forever discharge the Grantor, its successors and assigns, from any and all present or future obligations of the Grantor, its successors and assigns, including but not limited to the construction of or continued maintenance thereto of any railroad fences, snow fences, road crossings, cattle guards, gates, farm crossings, bridges, drainage or irrigation pipes, if any, located and situate on the premises herein conveyed.

TO HAVE AND TO HOLD THE SAME, together with all the appurtenances thereunto belonging, to the said Grantees, their heirs and assigns, forever.

IN WITNESS WHEREOF, Burlington Northern Railroad Company has caused its corporate name to be hereunto signed this 24th day of MAY, 1990.

BURLINGTON NORTHERN RAILROAD COMPANY,  
a Delaware corporation:

By: [Signature]  
Its DIRECTOR-TITLE SERVICES

ACCEPTED:

(b) (6)

ATTEST:

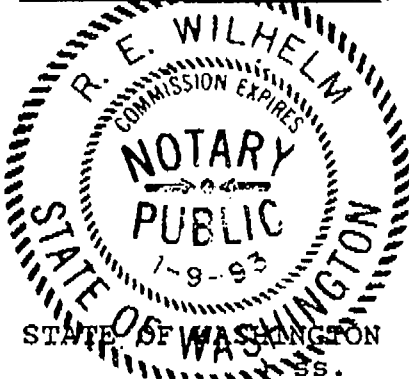
[Signature]  
ASSISTANT SECRETARY

(b) (6)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me J.H. LJKA and ANTA D. WELLS, to me known to be the DIRECTOR-TITLE SERVICES and ASSISTANT SECRETARY, respectively, of Burlington Northern Railroad Company, the corporation that executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that they is authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

GIVEN under my hand and official seal this 24 day of MAY, 1990.



R. E. Wilhelm

NOTARY PUBLIC in and for the  
State of Washington, residing  
at SEATTLE, WA  
My commission expires 1-9-93.

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF KING )

On this day personally appeared before me (b) (6) and (b) (6), to me known to be the individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 14 day of MAY, 1990.



William T. Roberson, II  
NOTARY PUBLIC in and for the  
State of Washington, residing  
at Kent  
My commission expires 6/19/92.

## EXHIBIT "A"

### LEGAL DESCRIPTION FOR RAILROAD QUIT CLAIM DEED TO PHELPS

That portion of the right-of-way of the Burlington Northern Railroad Company's (formerly the Northern Pacific Railway Co.'s) Lake Washington Belt Line lying westerly of a line parallel with and 35 feet westerly, measured radially from the center of the main track, located adjacent to Lots 24 through 29 inclusive in Block "A" of C.D. Hillman's Lake Washington Garden of Eden Addition to Seattle No. 2 according to the plat thereof recorded in Volume II of Plats, Page 64, in King County, Washington, all located in the northwest quarter of Section 32, Township 24 North, Range 5 East, W.M., more fully described as follows:

48 Commencing at the west quarter corner of said Section 32; thence N 17°24'36" E, 808.55 feet to a point on the west railroad right-of-way line, which is the northeast corner of the (b) (6) property, and the true point of beginning; thence S 88°42'39" W, 17.69 feet; thence northeasterly on a curve to the right whose center bears S 59°25'07" E, with a distance of 2038.59 feet, a central angle of 3°00'54" and a curve length of 107.27 feet; thence S 73°02'49" E, 15.66 feet; thence southwesterly on a curve to the left whose center bears S 56°16'36" E, with a distance of 2,023.59 feet, a central angle of 2°52'39" and a curve length of 101.63 feet to the point of beginning.

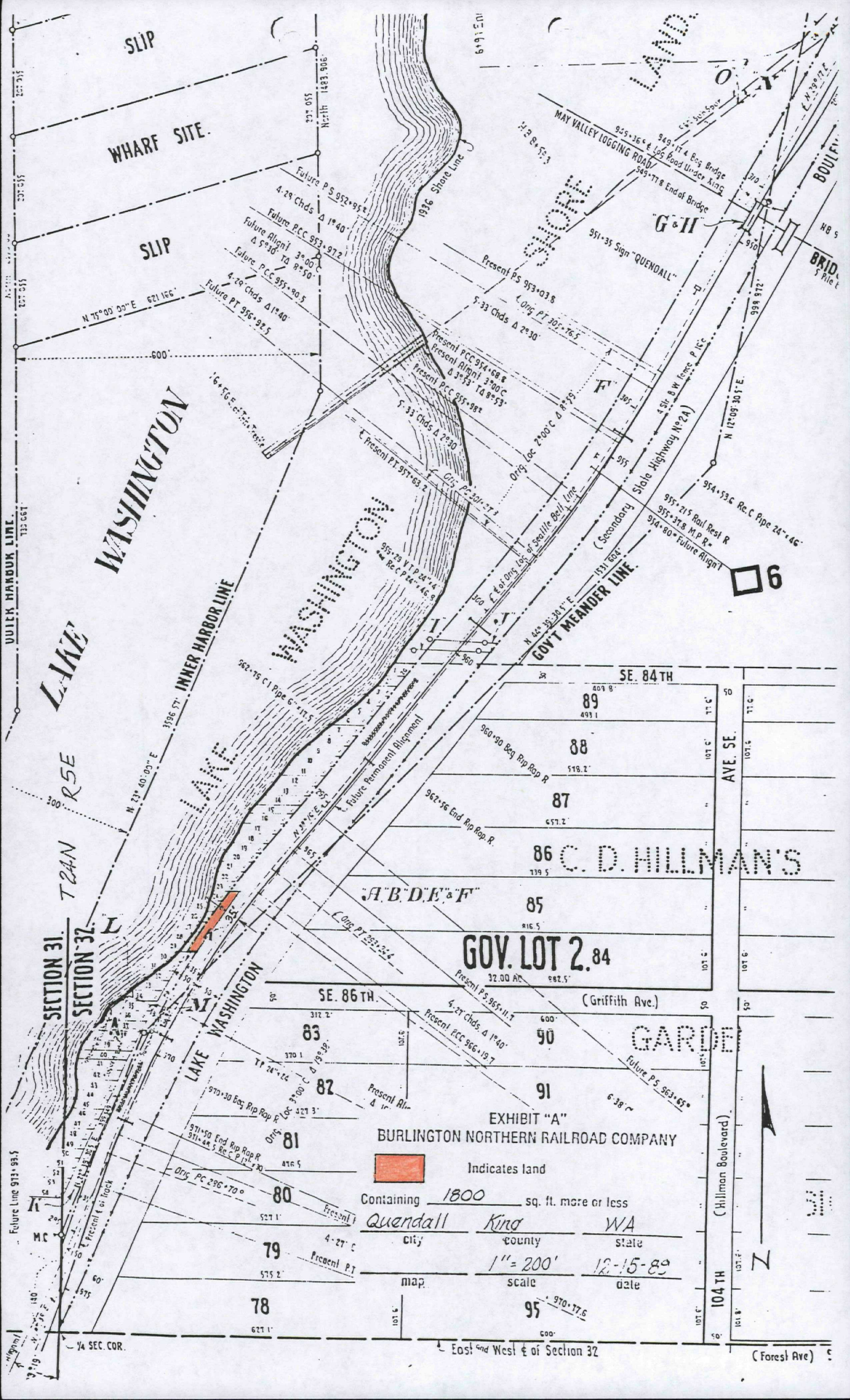
7-20  
NG

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SLIP

WHARF SITE

SLIP

LAKE WASHINGTON

LAKE WASHINGTON

SECTION 31.  
SECTION 32.

LAKE WASHINGTON

A B D E F

GOV. LOT 2.84

BURLINGTON NORTHERN RAILROAD COMPANY



Indicates land

Containing 1800 sq. ft. more or less

Quendall

King

WA

city

county

state

map

scale

date

1" = 200'

12-15-89

95

104 TH (Hillman Boulevard)

(Forest Ave)

East and West of Section 32



February 8, 1990

TO: Mr. L.E. Mueller

cc: Mr. H.R. Armes

FROM: Larry L. Seyda  
21st Floor  
FIC

Subject: Proposed sale of right of way along Lake Washington Belt line near  
Quendall, WA to Phelps

Attached is print showing in pink a portion of our r/w proposed to be sold. The area is presently blacktopped, and has been used by the buyer for a number of years without benefit of any lease or other permission by BNRR. We could be subject to an adverse possession claim if we decide not to sell voluntarily.

The area immediately to the south was sold in 1936 for road access purposes.

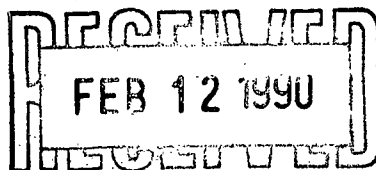
If you approve, the sale boundary will be 35' from centerline of tracks. May I have your recommendations prior to my further handling.

(b) (6)

The 35' setback from  
track & matches the  
adjoining land to the south.  
Any objections to a sale?

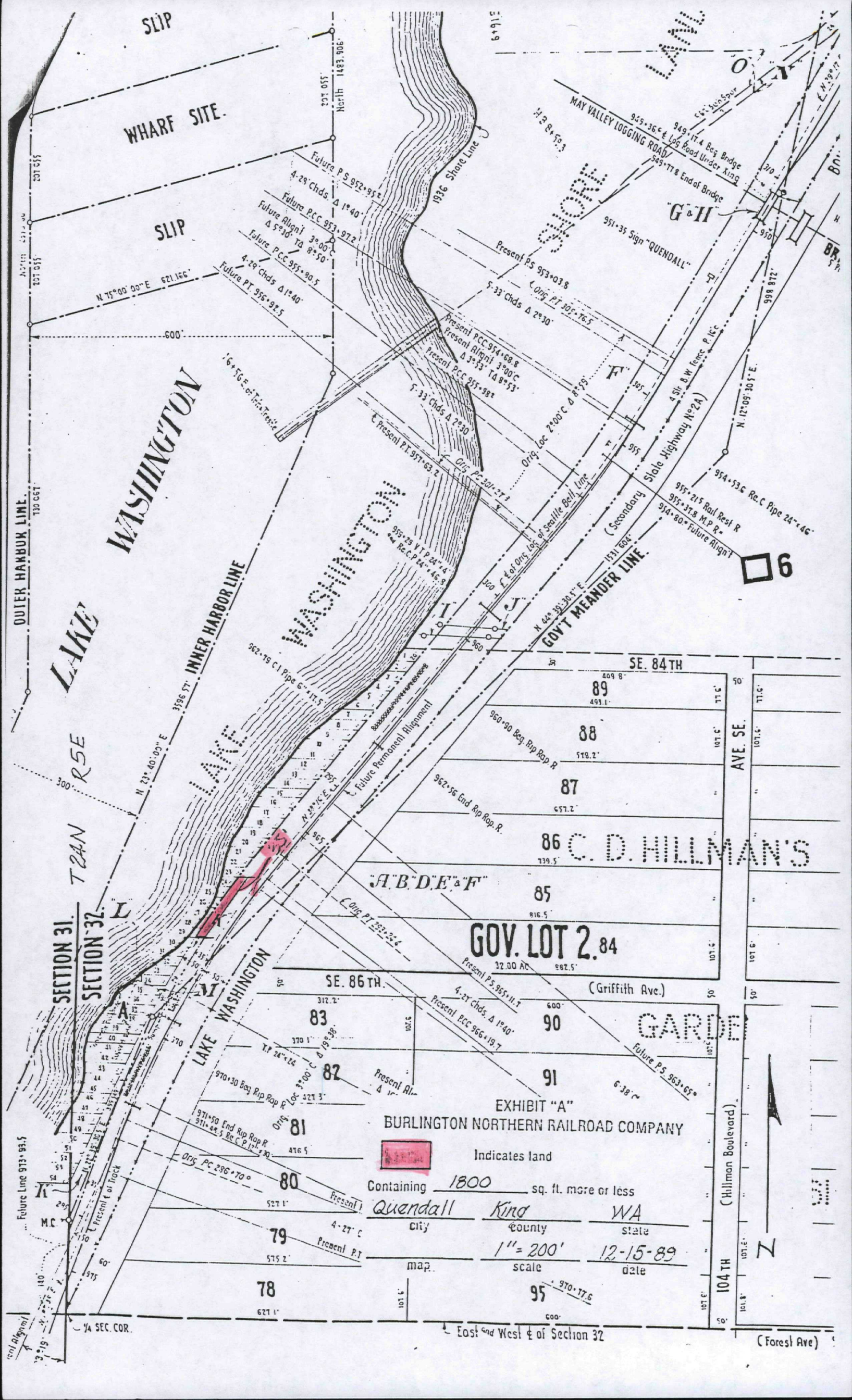
D. L. M.

FEB -9 1990



Drew Miller 2/9/90





WHARF SITE.

SLIP

LAKE WASHINGTON

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SECTION 31.  
SECTION 32.

EXHIBIT "A"  
BURLINGTON NORTHERN RAILROAD COMPANY



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Quendall

King

WA

City

County

State

map.

scale

12-15-89

1" = 200'

date

95

970.17.6

East and West of Section 32

(Forest Ave)

(Hillman Boulevard)

104 TH

GARDEN

(Griffith Ave.)

GOV. LOT 2.84

"A.B.D.E." & "F"

C. D. HILLMAN'S

87

88

89

SE. 84 TH

AVE. SE.

77.6'

77.6'

77.6'

77.6'

77.6'

77.6'

77.6'

77.6'

77.6'

77.6'

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Dewayne Bell  
J.D. & Co.  
FEB 9 1990  
Duffy

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D. A. M.

FEB -9 1990

Drew Miller 2/9/90  
FEB -9 1990



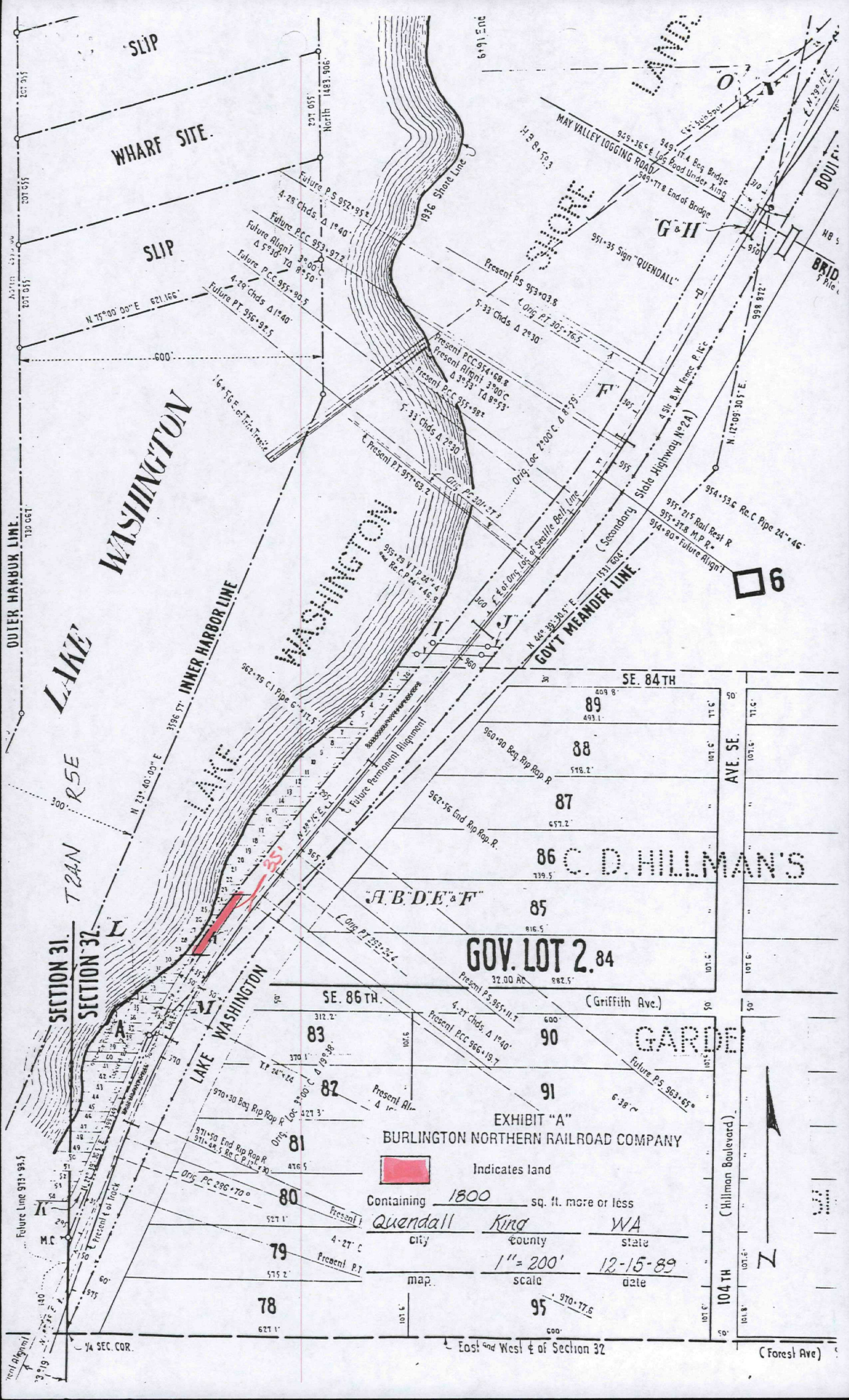


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city

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WA  
state

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(Forest Ave)